

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BISOUS BISOUS LLC,

Plaintiffs,

v.

THE CLE GROUP, LLC, *et al.*

Defendants.

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C.A. No. 3:21-cv-01614-B

**DEFENDANTS' EVIDENTIARY OBJECTIONS TO PLAINTIFF'S PROPOSED
SUBMISSIONS WITH ITS MOTION FOR LEAVE TO SUPPLEMENT**

Plaintiff includes in its proposed supplements to its appendix, the Declaration of Matthew Meyer (hereinafter, "Declaration"), (Doc. 35-2), in further support of Plaintiff's motion for TRO and preliminary injunction. The Declaration contains inadmissible statements by Mr. Meyer or references to other third-party's out-of-court statements that should not be allowed into evidence under the Federal Rules of Evidence. Any such statements within, or exhibits attached to, the Declaration that include inadmissible hearsay or irrelevant statements are objected to, and if the Court grants Plaintiff's leave to supplement, the Court should disregard the objected-to statements when deciding Plaintiff's motion for TRO and preliminary injunction.

1. Defendants object to Paragraph 3 of the Declaration to the extent it describes or conveys the content of the "two voicemail messages" as hearsay and irrelevant statements that are inadmissible under the Federal Rules of Evidence. *See* FED. R. EVID. 401, 402 and 802.

2. Defendants object to Exhibit U of the Declaration as containing irrelevant hearsay statements that are inadmissible under the Federal Rules of Evidence. *See id.*

3. Defendants object to Paragraph 4 of the Declaration to the extent it describes or conveys the content of “a voicemail recorded by BISOUS BISOUS” as hearsay and irrelevant statements that are inadmissible under the Federal Rules of Evidence. *See id.*

4. Defendants object to Exhibit V of the Declaration as containing irrelevant hearsay statements that are inadmissible under the Federal Rules of Evidence. *See id.*

5. Defendants object to Paragraph 5 of the Declaration to the extent it describes or conveys the content of “a voicemail recorded by BISOUS BISOUS” as hearsay and irrelevant statements that are inadmissible under the Federal Rules of Evidence. *See id.*

6. Defendants object to Paragraph 6 of the Declaration to the extent it describes or conveys the content of “an email . . . sent to . . . BISOUS BISOUS” as hearsay and irrelevant statements that are inadmissible under the Federal Rules of Evidence. *See id.*

7. Defendants further object to Paragraph 6 of the Declaration to the extent it describes or conveys Mr. Meyer’s own out-of-court hearsay and irrelevant statements (“my reply”) that are inadmissible under the Federal Rules of Evidence. *See id.*

8. Defendants object to Exhibit W of the Declaration as containing irrelevant hearsay statements that are inadmissible under the Federal Rules of Evidence. *See id.*

9. Defendants further object to Paragraph 7 of the Declaration to the extent it describes or conveys the content of any allegedly “misdirected calls” as hearsay and irrelevant statements that are inadmissible under the Federal Rules of Evidence. *See id.*

Dated: August 9, 2021

Respectfully submitted,

BUETHER JOE & COUNSELORS, LLC

By: /s/ Kenneth P. Kula

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5.1(d) on this 9th day of August, 2021.

/s/ Kenneth P. Kula

Kenneth P. Kula